

App F IX 4

Previous References

1936
(ml)

File No 37-36

Serial Nos 18

Letter References

22 37-76 (28, 29, 33)
ml 79-37-841, 2, 3, 4, 5, 6, 7 & 11
8 5 11

GENERAL AND REVENUE SECRETARIAT

Serial Nos 18

Part B for November 1936

SUBJECT

Make funds available for the acquisition of
lands adjacent to the Cantonment Jewel felter
reserved for the construction of buildings for
Govt Industrial and other concerns

WD 0418-GPB-22 500-29-8 36

To The Chief Engineer Jallora

No L 8940 of 27 11 36

State that the scheme of acquisition made taken up
starts this year and partly next year and that the
sum of Rs 5000 provided from the budget for 1936-37
may be used for the purpose during the year

To Director of Health & No L 8941-2 of 27 11 36
C. S. M. M. M.

To Comr. Jallora

Serial
No

3770
I

Letter No 7226 dated 15-2-1936 from the Chief Engineer requesting to be informed whether it is possible to make available out of the grants under 30 grants for Public Improvements during the current year or next year a sum of Rs 22,862 for the acquisition of lands adjacent to the Combined Jewell Filters required for the construction of buildings for Govt Industrial & other concerns etc.

Kind reference is invited to the notes and orders in the linked file obtained from the Chief Engineer's office

1) The acquisition has not actually been sanctioned. The purpose of the acquisition is to prevent any private buildings springing up on the lands being too close to the Jewell Filters and to reserve these lands for the construction of buildings for ^{Industrial and other} concerns.

3) It is not clear why a grant to be ^{extend} amount required of Rs 22,862 should be made from 30 grants for Public Impts. The amount ^{will have to} ~~should~~ be met out of the grant ~~to~~ to the Industries Dept. Submitted for advice.

Done
27/2

4) It will not be possible to give any sum out of the provision for 'Improvement of towns

3770

File No

of 193

General and Revenue
Secretariat

and Minor Metes' under '30 Grants for Bureau
Improvements' for the purpose in question, as the
provision is limited is hardly sufficient for
meeting the requirements of the smaller Metes.
Further it does not seem that the proposed expenditure
is a proper charge on that provision.

5 As the land to be acquired is to be
used for locating Industrial concerns etc.,
the expenditure is properly debitable to the
Industrial Dept.

6 The file may therefore be transferred
to the Dist Branch for disposal.

Dist Secy)

Ass
28/2

53 81
27

7 The land available by the purchase
is said to be vacant or land it apparently
belongs to the City. Then this land should also
be acquired by the City and the whole area
poured into an industrial area and
after some time as an area.

8 However, it is Govt land
Govt will have to follow a similar course
to the funds acquired being provided in the
next year's budget.

Secretary

There is a clear
9 The ~~amount~~ ^{cost} may be ~~for~~
not from an advance account ~~some~~
for the purpose

6855
3/3

23/3
3/3
CHIEF DEPT. AND
3 MAR 19

27/3

OFFICE OF THE
SECOND MEMBER OF THE
COMMISSION
NO. 1035
6744

Serial
No

10 The file may be consulted as to the source from which the expenditure may be met

(1) 11 we may also examine whether it is possible to resume the sales under the terms of the original grant, instead of acquiring them

12 When we inspected these sales this morning, we suggested to the Hon. Commr that a clear record showing the lands belonging to the Govt and to the Hon. Commr in this area might be prepared. He may be asked to take necessary action accordingly.
N.H.

13

L.S.

12/3/36

(1) It appears that sales now proposed to be acquired were sold in 1917. Some of them have been built upon. Why were they not resumed according to the Commission of 1918? In the file of the sale note of 1917, why not do so now?
Please consult Law Dept. Secretariat.

(2) same to Ministry of Lands.

14. The file containing the details of the sales.

12/3/36

15 Please put in a draft do letter to the Hon. Commr re both (1) & (2).
N.H.
12/3

5763
P838

File No

3770/2

of 193

General and Revenue
Secretariat

16

Draft to the Municipal Comm submitted for app

Rmr
13/3

17 After when the law book will
be cancelled

chief secy)
18

are
13/3

Am
18/3

Erased remount
13/3

CFT
RECO DM B

NO



The Municipal Commissioner, Bangalore city

D.O. Letter No 27069 dated 14-3-36

Enquires whether the sites near the Jewell
Fallers, which have not been built upon, cannot
be resumed now and requests him to take action
to prepare a clear record showing the lands
belonging to Govt & to the Municipality

20 Resubmitted

Rmr
16/3

21 For favor of remarks with refer
to para 11 & 13 Supra

Asst Secy, Law
with Camps

Asst
16/3

Sy/17 (Gangant)
16/3

221
Law
RHS
one
17/3/36

22 The sites in question which admittedly
were property of the Municipal & were sold
in public auction in January 1919 They
were purchased by several persons

Serial
No

noted in the statement sent with the Mr⁶ Comr's letter of 29th April 1933 in the linked file of the P W Sect. The purchasers it is said have paid the sale money in full. They have however not executed the mutchallika prescribed in Condition 3 of the Sale notice nor have they constructed any buildings on the sites so far. The question therefore is whether the Municipality can now exercise the power of Resumption under Condition 4 of the said notice.

23 I am of opinion that the answer to this question can be only in the negative, and the reasons are as follows —

1) The Sale notice does not expressly make the sale subject to the conditions mentioned therein and consequently in the absence of a mutchallika, there is nothing to show that the purchaser bound himself to the conditions now sought to be enforced.

2) Even otherwise the agreement regarding the construction of ~~the~~ a building on the site purchased and the remedy of forfeiture provided for breach of the agreement has now become unenforceable on account of the lapse of time. At best

3 and sometimes 6
the law provides a period of 3 years for
enforcement of such conditions. In this case
it is over 17 years since the sale took
place -

(ii) The only ground on which the Municipality
can perhaps claim possession of these sites
now is that they still remain legal owners
of the property, no regular registered ~~title~~
deed having been granted to the purchasers.
So far - in law title to immovable property
worth over Rs 1000 can only pass under
a registered document - and in its absence
the legal ownership remains with the
vendor. But in this case on account of
the lapse of time, ~~of~~ I do not think
even this contention is now open to the
Municipality. Admittedly the purchasers
have been in possession as owners for
over 12 years and this possession is certainly
adverse to the Municipality. By erecting
these vacant sites to tax and collecting
the same from the purchasers, ~~the~~ the
Municipality have impliedly recognised
their title to ownership and this
effectively estops the Municipality

Acquisition of sites adjacent to the Combined Jewell Filters

3770

4442

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No

from questioning such title now, especially
where it has been perfected by adverse
possession.

Asst Secy Leg }
Asst Compt }
me

9/4/36

24

Please put up the Municipal
letter read a few days ago & submitted

ms
9/4

Do letter No 21-3175 dated 27-3-36 from the
Municipal Commissioner, Bangalore city stating
that under the circumstances explained, the
Municipality cannot legally resume the sites
now-

Submitted

25

The Municipal Council has stated that

Prop ms
9/4

the Municipal Advocate has advised him
that the City cannot legally resume the sites, re

Said with refce to paras 11 & 13 (1) ~~the~~

(The file has not yet been sent to the Engineer)

chief secy)

ms
9/4

6 2nd Monday

ms
9-4-36

27 I agree that the idea of resuming
the sites must be dropped

NOTE—Contn. Sheet

WD 03694—GPB—20,000—12-7-36

OFFICE OF THE
SECOND MEMBER OF COUNCIL

11.3.10.36
1.7.8.36

9 APR 1936

444-12

Acquisition of sites adjacent to the Jewell Filters, Bangalore

File No

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General and Revenue
Secretariat

28 The cost of acquisition is heavy and cannot be met from the provision likely to be made for town improvements. However, the matter may be considered in connection with the final budget.

29 Rept - Dewans order on 12 & 34 ^{nu} 10/4/36
to Ex. Secy to Govt. Secy
Dewan nu
11-4-36

30 The site is not in the same category as the one of town, should be a provision of Govt - if possible
nu
15-4-36

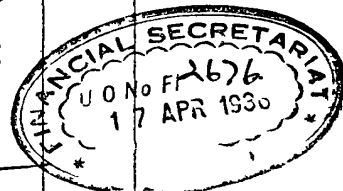
31 2nd member

nu
16-4-36

32 The final levy may be considered about the proposal made in para 9. ^{nu} 17/4/36

33 Final Levy

nu
17/4
nu
17/4



34 It is not known when and how the cost of acquisition will be recouped by Government. The expenditure in question cannot therefore be regarded as a recoverable one at this stage and has to be met out of the Revenue budget. The next year's budget position does not permit the provision of funds for this purpose. The proposal may however be considered at the final budget time.

OFFICE OF THE
SECOND MEMBER OF COUNCIL
22 APR 1936
8145

DEWAN'S OFFICE
23 APR 1936
No 6465

nu
nu
nu

35 2nd member
Dewan

36 nu
23-4-36

nu
21/4

nu
22-4-36

nu
22/4/36

Acquisition of sites adjacent to the Jawd Fallers, Bangalore city

General and Revenue
Secretariat

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No

38 FL Branch with Compts for reference in connection with the Budget for 36-37-

39 No provision was allowed for this item in the Annual meeting held on 9/5/36. The provision allowed in Council is noted in the slip attached below -

Op of Annual Resolution of 14/11/36 } 9 & 32 in the Budget 1936-37
for Public Improvements made for 1936 10

40 Payment of Water supply in 1936 raising the grant from 5000 to 10,000

41 Much of the (W.C.)

18/5/36

41 Submitted for orders

13/5/36 42 Chief Secy) 18/5/36

43 2nd meeting

14-5-36
14/5

44 A portion of the area of the approximate value of Rs 10000 may perhaps be acquired during 1935-36 and the rest in 1936-37, the cost being met from the allotment for Sanitary, if the P.W.D. is unable to provide funds for the purpose

NOTE - Contn Sheet.

WD 00004-GPB-20,000-18-7-36

15/5/36
19/5/36

Acquisition of sites near the Jewell Filters, Bangalore city

File No

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L

of 193

General and Revenue
Secretariat

45

The Chief Engineer may perhaps be consulted unofficially as to whether funds can be made available for the purpose from the P.W. Budget

Rmr ml
16/5

Chief Secy)

16/5

46

16-5-36

16/5

47

Forwarded with compliments unofficially to the Chief Engineer for favour of remarks.

By order

Asst. Secy. to Govt

for Chief Secy to Govt

Rmr

UO 602

18-19/5/36

48

Returned with Compliments to the Chief Secretary. It is not possible to find funds for the acquisition of the sites referred to from the P.W. Budget

19/5/36

UO 166-35

16-5-36

UO 571
18/5/1936

Car

Bs 11 a
2/5

Chief Engineer of Mysore

19/5

For

please refer to the file

18/5/36

discrepancy

492 Here a reply has been received from the Dir. of Mysore re surrender of lands not like the referred this year? Not, please remind him

20/5

Acquisition of sites near the Jewell Filters, Bangalore City

General and Revenue
Secretariat

File No 4442
L of 193

[App F III 2

50

The reply received from the Director of Health is submitted for perusal (linked file). Under the circumstances explained by the Director, no amount is available out of the Town Supt and Water Supply grants during the current year.

51

Submitted for orders as to how the sum of Rs 10,000 for the acquisition of the sites near the Jewell Filters has to be met.

Per
28/5

M/A/H 52 In the linked file the Director has suggested that the amount that may be left unutilised out of the Water Supply & Town Improvement grants during the current year may be adjusted towards the Govt share of the cost of the Holenarasipura & Heugra Water Works. The ~~amount~~ amount that may be so available, if the Ganganahalli Water Works are taken ^{up} during the current year, will be about Rs 3,000. Orders regarding Ganganahalli Water Supply are about to issue & the Chispet scheme is also about to be sanctioned.

It seems therefore that no amount will be available out of the said grants for the acquisition of land under consideration in this file.

Refer Para 44 supra

Devdrees
Chispet

2/6

53

Sanctioning

NOTE-Conts Sheet

54 Nil

Acquisition of sites near the Jewell Feltens Bangalore city

File No

4442
L - 1 of 193

General and Revenue
Secretariat

57 The scheme has perhaps to be taken up -
during the current and next years, - the
cost being met from the funds under
30 grants for Public Improvements. This
will have to be kept in view while
distributing the said grant.

58 Submitted for order - Refe - Memo 4448548/m

Rmr
8/7

Ch. Seng)

57 22/11/36

9/7/36

9-7-36

9/7/36

58 Mee

12/7/36

Mee

13/7/36

59 An allotment of Rs 5000 has been
made out of the provision of Rs 40000
in the State Budget for 86-37 under
Improvement to Town 2 & 3 (Note
para 4 of the Memo 4448548/m) The balance
will be provided for in the next year's Budget
for the file will be returned to the P. & S. Secy
with the above information.

for
12/11/36

61 Why not write to the Ch. Sg.
explaining the point 1/6/4/36

RECEIVED
JULY 1936
No 263

9 JUN 1936

notes
12/7

for B
12/7

Acquisition of sites near the Jawahar Falls, Bangalore

General and Revenue
Secretariat

File No

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Serial
No

62 Draft to the Chief Engineer is submitted
for approval

Rm for
16/11/36

63 For approval
17/11/36

64 For perusal

Ch. Secy)
2nd member)

18/11 18/11/36

Recd
26/11/36

18/11
26/11/36

The Chief Engineer

No 23940 dated 27-11-36

States that the scheme may be partly taken
up during the current year & partly during
the next year & that a sum of Rs 5,000 has
been provided for the purpose during the current
year under 30 grants for Public Works - Grants
to Towns & Minor Municipalities

Copy letter No of H & Comptroller -

Rs
20/11

File No

of 193

General and Revenue
Secretariat

Serial
No

MYSORE PUBLIC WORKS DEPARTMENT

CENTRAL OFFICE

Dated Bangalore 15-2-1936

3770/K

Chief Engineer's copy

I should like to see this place along with Mr. comm. & yourself some day next week after your return from Shimoga - we can see your Kampegar also here on the same day 8/3/36

A LCE MIE (Id) ISE

Chief Engineer of Mysore
Bangalore

Government,

as adjacent to the Combined Jewell Filters at Bangalore

By comm. by telephoning Mr. The Bangalore telephoning 10/3

There is as the 12 that

7-65 Ave as the New
24 Ave 12
9 Ave 12
as the old water works 1 10/3

te that Government have sanctioned the acquisition of Jewell Filters and belonging to private

2,862 with the intention of reserving these buildings for Government Industrial and other concern prevent any private buildings as springing up on

I therefore request the favour of being informed whether it is possible to make available necessary funds therefor by reappropriation or supplementary grants under 30 Grants for Public Improvements during the current year or whether needful provision will be made therefor in the budget for 1936-37

I have the honour to be

Sir,

Your most obedient servant.

Chief Engineer of Mysore

M A 14/2/36

No 409 of 25 2 31

14th March

The file of previous Correspondence is herewith forwarded for reference & return when no longer required.

Chor Secte
W.C.
(L.S.G. 130)
24/2
24/2
24/2

5.2

The correspondence ending 14-35 dated 15th November regarding the acquisition of the Jewell Filters, 1 sites referred to above, the Municipality, have enquire why the sites were lotion 4 of the sale per 1918 and whether

It that necessary action

may be taken to prepare a clear record showing the lands belonging to Government and to the Bangalore City Municipal Council in the area referred to above as suggested to you in person by the Second Member

P T O

- 2 - To

of Council during his inspection of the locality
on the 12th instant

Your reply to the enquiry made in para 1
above may kindly be sent within a week

Yours sincerely,

For. Hoft)
Rmr

for
14/3

To
M Seshadri, Esq , F A. ,
Municipal Commissioner,
Bangalore City

psk-2

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

()
the 193

Date of issue

Signed by

List of enclosures

Copied by

Examined by

Section

File No

Serial No

No

To Dear Sir,

When reference to the
correspondence ending with your
letter No 21-3175/34-35 dated
15-11-1935 to the Chief Engineer
regarding the acquisition of sites
adjacent to the Combined Jewell
Filters, I am desired to enquire
whether state that ~~it appears~~
~~that~~ the sites referred to above, ^{which} were
sold in 1919, ^{by the Municipality,} ~~and that none of them~~
^{not} ~~has been~~ ^{has been} ~~brief~~ upon and to
enquire why the sites were not
resumed according to ~~the~~ condition
4 of the sale notification dated
9-12-1918 and whether they ^{cannot} ~~are~~

not be resumed now-

I am also to request that ^{necessary action may be taken to prepa} a clear
record showing the lands belonging to
Govt and to the Bangalore city Municipal
Council in the area referred to above
as suggested to you in person by
the Second Member of Council during
his inspection of the locality on the
12th instant -

Your reply to the enquiry made in para 1 above may kindly
be sent within a week

-Yours sincerely



for
12/3

M Seshadri By M.A

Municipal Commr, Bangalore city

D O No 4, - 3175

Office of the Municipal Commissioner
Dated, Bangalore 27th March 1936

Dear Sir,

4442/2

With reference to your D O No L7069 dated 14th March 1936 regarding the acquisition of sites adjacent to the combined Jewell Filters, I write to say that the sites were sold in public auction in 1919. Full value of these sites has been recovered and they have been assessed to Municipal taxes. No agreement was obtained from the parties binding them to the conditions laid down by the Sale Notification. It is difficult to say at this distance of time why the sites were not resumed in accordance with the condition 4 of the Sale Notification. I am advised by the Municipal advocate that the Municipality cannot legally resume these sites now.

As regards para 2 of your D O letter under reply action is being taken to prepare a record showing Government and Municipal lands in the area.

Yours Sincerely

M. Venkatar

A V Ramanathan, Esq, B A,
Chief Secretary to Government
of His Highness the Maharaja
of Mysore,
Bangalore

This might be placed under main file after it is returned from the law dept.

19

L. L.)

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated Bangalore, 27th November 1936

No

From

The Chief Secretary to the Government of His Highness
the Maharaja of Mysore

To

The Chief Engineer of Mysore,
Bangalore.

Sir

With reference to your letter No. 7226 dated 15th February 1936 requesting to be informed whether it is possible to make available out of the current year's grants in the State Budget under '30 Grants for Public Improvements' a sum of Rs. 22,862 for the acquisition of lands adjacent to the combined Jewell Filters, Bangalore City, required for the construction of buildings for Government Industrial and other concerns, I am directed to state that the scheme may be taken up partly during the current year and partly during the next year, the cost being met out of the grants under "30 Grants for Public Improvements - Improvements to Towns and Minor Municipalities". I am to add that an allotment of Rs. 5,000 has been made during the current year for the acquisition in question out of the provision of Rs. 40,000 in the State Budget for 1936-37 under the Head noted above and that the balance will be provided for in due course.

Your office file on the subject is returned herewith.

I have the honor to be,

Sir,
Your most obedient servant,

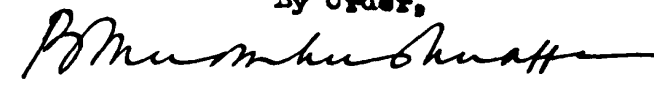
Memo No.

L 3941-2-

Sd/- B. T. Kesavaiah,
Chief Secretary to Government.

Copy of the above is forwarded, with compliments,
to the Comptroller to Government/Director of Health in Mysore

By Order,


Chief Secretary to Government.

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

()
the 193

Date of issue

27/11/36

Signed by

[Signature]

in the State Budget

List of enclosures

Copied by

Examined by

Section

ml

File No

37-36

Serial No

18

No

3940/11 ac
(File)

To

The Chief Engineer of Mysore

Sir, -

- With reference to your letter

No 7226 dated 15-2-1936 requesting

to be informed whether it is possible

to make available out of the ^{Current year} grants

under 30, Grants for Public Improvement

showing a sum of Rs 22,862 for

the acquisition of lands adjacent to

the Combined Jewell Filters, Bangalore

city required for the construction

of buildings for Govt Industrial

and other concerns, I am directed

to state that the scheme may be

taken up partly during the current

year and partly during the next

years, the cost being met out of

the grants under '30 grants for Public
 Improvements - Improvements to Towns &
 Minor Municipalities' I am to add
 that an allotment of Rs 5,000 has
 been made ^{during the current year} for the acquisition in
 question out of the provision of Rs 40,000
 in the State Budget for 36-37 under the Head noted above and that
 'Improvements to Towns & Minor Municipalities'
 the balance ~~being~~ ^{will be} provided for in ~~the~~ ^{the} ~~one~~ ^{one} ~~course~~
~~next year's Budget~~

Your office file on the subject is returned
 herewith I have etc

^{11/5}
^{18/11}
⁸⁸
^{17/11/36} Chug Sany 18/11
 Rmr

Memo No 2

3941-2 25/11/76

Copy to (1) the Comptroller to Govt
 (2) Dr of Health

11/5

By order

^{11/5}
^{17/11/36} for Chug Sany 18/11
 Rmr

